

# SENATE, No. 3800

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 20, 2019

**Sponsored by:**

**Senator BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators Singleton and B.Smith**

**SYNOPSIS**

Revises DEP's Green Acres Program to encourage promotion and protection of urban forests.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/14/2019)

1 AN ACT concerning urban forests, and amending P.L.1999, c.152  
2 and P.L.2016, c.12.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 24 of P.L.1999, c.152 (C.13:8C-24) is amended to  
8 read as follows:

9 24. a. (1) There is established in the Department of  
10 Environmental Protection the Office of Green Acres. The  
11 commissioner may appoint an administrator or director who shall  
12 supervise the office, and the department may employ such other  
13 personnel and staff as may be required to carry out the duties and  
14 responsibilities of the department and the office pursuant to  
15 P.L.1999, c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43  
16 et al.), all without regard to the provisions of Title 11A, Civil  
17 Service, of the New Jersey Statutes. Persons appointed or  
18 employed as provided pursuant to this subsection shall be  
19 compensated in a manner similar to other employees in the  
20 Executive Branch, and their compensation shall be determined by  
21 the Civil Service Commission.

22 (2) The Green Acres Program in the Department of  
23 Environmental Protection, together with all of its functions, powers  
24 and duties, are continued and transferred to and constituted as the  
25 Office of Green Acres in the Department of Environmental  
26 Protection. Whenever, in any law, rule, regulation, order, contract,  
27 document, judicial or administrative proceeding or otherwise,  
28 reference is made to the Green Acres Program, the same shall mean  
29 and refer to the Office of Green Acres in the Department of  
30 Environmental Protection. This transfer shall be subject to the  
31 provisions of the "State Agency Transfer Act," P.L.1971, c.375  
32 (C.52:14D-1 et seq.).

33 b. The duties and responsibilities of the office shall be as  
34 follows:

35 (1) Administer all provisions of P.L.1999, c.152 (C.13:8C-1 et  
36 al.) and P.L.2016, c.12 (C.13:8C-43 et al.) pertaining to funding the  
37 acquisition and development of lands for recreation and  
38 conservation purposes as authorized pursuant to Article VIII,  
39 Section II, paragraph 6 and paragraph 7 of the State Constitution;

40 (2) Continue to administer all grant and loan programs for the  
41 acquisition and development of lands for recreation and  
42 conservation purposes, including the Green Trust, established or  
43 funded for those purposes pursuant to: P.L.1961, c.45 (C.13:8A-1  
44 et seq.); P.L.1971, c.419 (C.13:8A-19 et seq.); P.L.1975, c.155  
45 (C.13:8A-35 et seq.); or any Green Acres bond act; and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (3) Adopt, with the approval of the commissioner and pursuant  
2 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
3 1 et seq.), rules and regulations:

4 (a) establishing application procedures for grants and loans for  
5 the acquisition and development of lands for recreation and  
6 conservation purposes, criteria and policies for the evaluation and  
7 priority ranking of projects for eligibility to receive funding for  
8 recreation and conservation purposes using constitutionally  
9 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or  
10 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12  
11 (C.13:8C-43 et al.), any conditions that may be placed on the award  
12 of a grant or loan for recreation and conservation purposes pursuant  
13 to P.L.1999, c.152 (C.13:8C-1 et al.) or P.L.2016, c.12 (C.13:8C-43  
14 et al.), and any restrictions that may be placed on the use of lands  
15 acquired or developed with a grant or loan for recreation and  
16 conservation purposes pursuant to P.L.1999, c.152 or P.L.2016,  
17 c.12 (C.13:8C-43 et al.). The criteria and policies established  
18 pursuant to this subparagraph for the evaluation and priority  
19 ranking of projects for eligibility to receive funding for recreation  
20 and conservation purposes using constitutionally dedicated moneys  
21 pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or constitutionally  
22 dedicated CBT moneys pursuant to P.L.2016, c.12 (C.13:8C-43 et  
23 al.) may be based upon, but need not be limited to, such factors as:  
24 protection of the environment, natural resources, water resources,  
25 watersheds, aquifers, wetlands, floodplains and flood-prone areas,  
26 stream corridors, beaches and coastal resources, forests and  
27 grasslands, scenic views, biodiversity, habitat for wildlife, rare,  
28 threatened, or endangered species, and plants; vernal habitat; degree  
29 of likelihood of development; promotion of greenways; provision  
30 for recreational access and use; protection of geologic, historic,  
31 archaeological, and cultural resources; relative cost; parcel size;  
32 **[and]** degree of public support; and promotion and protection of  
33 urban forests; and

34 (b) addressing any other matters deemed necessary to implement  
35 and carry out the goals and objectives of Article VIII, Section II,  
36 paragraph 6 and paragraph 7 of the State Constitution and P.L.1999,  
37 c.152 (C.13:8C-1 et al.) and P.L.2016, c.12 (C.13:8C-43 et al.) with  
38 respect to the acquisition and development of lands for recreation  
39 and conservation purposes, including the acquisition of lands for  
40 recreation and conservation purposes that have been damaged by, or  
41 may be prone to incurring damage caused by, storms or storm-  
42 related flooding, or that may buffer or protect other lands from such  
43 damage ; and

44 (4) Establishing criteria and policies for the evaluation and  
45 priority ranking of State projects to acquire and develop lands for  
46 recreation and conservation purposes using constitutionally  
47 dedicated moneys pursuant to P.L.1999, c.152 (C.13:8C-1 et al.) or  
48 constitutionally dedicated CBT moneys pursuant to P.L.2016, c.12

1 (C.13:8C-43 et al.), which criteria and policies may be based upon,  
2 but need not be limited to, such factors as: protection of the  
3 environment, natural resources, water resources, watersheds,  
4 aquifers, wetlands, floodplains and flood-prone areas, stream  
5 corridors, beaches and coastal resources, forests and grasslands,  
6 scenic views, biodiversity, habitat for wildlife, rare, threatened, or  
7 endangered species, and plants; vernal habitat; degree of likelihood  
8 of development; promotion of greenways; provision for recreational  
9 access and use; protection of geologic, historic, archaeological, and  
10 cultural resources; relative cost; parcel size; **and** degree of public  
11 support ; and promotion and protection of urban forests .

12 (cf: P.L.2016, c.12, s.16)

13

14 2. Section 10 of P.L.2016, c.12 (C.13:8C-52) is amended to  
15 read as follows:

16 10. a. Notwithstanding the provisions of subparagraph (b) of  
17 paragraph (2) of subsection a. of section 27 of P.L.1999, c.152  
18 (C.13:8C-27) to the contrary, a grant by the State for lands acquired  
19 or developed for recreation and conservation purposes by a local  
20 government unit in a municipality eligible to receive State aid  
21 pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) shall be for 75  
22 percent of the cost of acquisition or development of the lands by the  
23 local government unit, except that the department may authorize an  
24 increase in the State's share of the cost up to 100 percent of the  
25 allowable funding cap established by the department (1) upon a  
26 demonstration of special need or exceptional circumstances or (2)  
27 for a project that would create, enhance, or protect an urban forest .

28 b. A local government unit or a qualifying tax exempt  
29 nonprofit organization may use a grant or loan received pursuant to  
30 **【this act】** P.L.2016, c.12 (C.13:8C-43 et al.) for recreation and  
31 conservation purposes for : (1) the construction of a community  
32 garden, provided that public access to the lands acquired for  
33 recreation and conservation purposes is not limited by the  
34 community garden ; or (2) the creation, enhancement, or protection  
35 of an urban forest .

36 (cf: P.L.2016, c.12, s.10)

37

38 3. This act shall take effect immediately.

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## STATEMENT

42

43 This bill would amend the State's open space program, i.e., the  
44 "Green Acres Program" in the Department of Environmental  
45 Protection, to encourage the promotion and protection of urban  
46 forests.

47 The bill would include the promotion and protection of urban  
48 forests as a factor in the criteria and policies established for the

1 evaluation and priority ranking of State projects and of applications  
2 by local government units or qualifying tax exempt nonprofit  
3 organizations for eligibility to receive funding from the Green  
4 Acres Program.

5 In addition, the bill would provide that a local government unit  
6 or a qualifying tax exempt nonprofit organization may use a grant  
7 or loan for recreation and conservation purposes for the creation,  
8 enhancement, or protection of an urban forest.

9 For the Green Acres program, under current law, an urban aid  
10 municipality may receive a grant by the State for the acquisition or  
11 development of lands for recreation and conservation purposes for  
12 75 percent of the cost of acquisition or development of the lands by  
13 the local government unit, and this amount may be increased by the  
14 DEP up to 100 percent of the allowable funding cap upon a  
15 demonstration of special need or exceptional circumstances. This  
16 bill would also provide for this increase for a project that would  
17 create, enhance, or protect an urban forest.

18 According to the United States Forest Service, over 130 million  
19 acres of the country's forests are located in cities and towns. Urban  
20 forests come in many different shapes and sizes, and include urban  
21 parks, street trees, landscaped boulevards, gardens, river and coastal  
22 promenades, greenways, river corridors, wetlands, nature preserves,  
23 shelter belts of trees, and reforestation of former industrial sites.

24 In addition to the recreation and conservation opportunities  
25 presented by forests, trees offer numerous environmental and  
26 economic benefits. Trees improve air quality, filter water, reduce  
27 stormwater runoff, provide wildlife habitat, and assist with energy  
28 savings by shading sun and blocking wind. Trees absorb carbon  
29 dioxide and other greenhouse gasses and replenish the atmosphere  
30 with oxygen. Yearly, one acre of trees absorbs on average enough  
31 carbon dioxide to offset a car driven 26,000 miles and produces  
32 enough oxygen for 18 people.